

मामला क्रमांक M.A(C) 735/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>APPELLANTS/</u> (Claimants)	1. Smt. Mela Bai, W/o Prajapati @ Dasaru, Aged about 42 years, 2. Dinesh Kumar, S/o Late Prajapati @ Dasaru, Aged about 22 years, 3. Vinod Kumar, S/o Late Prajapati @ Dasaru, Aged about 19 years, 4. Rajesh Kumar, S/o Late Prajapati @ Dasaru, Aged about 16 years, 5. Sukita Kumari, D/o Late Prajapati @ Dasaru, Aged about 14 years, 6. Mahetarin Bai, W/o Late Bahoran Ram, Aged about 64 years, [No.4 and 5 are minor through their mother Smt. Melabai (No.1)] Appellant No.1 to 5 are R/o village-Shyam Nagar, Raigamar, Tahsil & Distt.-Korba (C.G.) and appellant No.6 is R/o village Chhuri, Tahsil- Katghora, Distt.-Korba (C.G.)
	<u>RESPONDENTS:</u>	- Versus - 1. Fulchand, Aged about 36 years, S/o Late Baharta Ram, R/o village- Saraie Singar, Chowki-Urga, Tahsil & Distt.- Korba (C.G.) 2. Subhash Chand Kothari, S/o L.L. Kothari, R/o D.105 Sector-4, Devendra Nagar, Raipur, Distt. Raipur (C.G.) 3. Branch Manager, The New India Insurance Co. Ltd., Branch Office-1 Raipur Through-Senior

भाषणा क्रमांक M.A. (C) 735/ सत्र 2007

आदेश पत्रक (प्रातिपद्य)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में हिंदी रीकार्ड के अंतिम आदेश
Division Bench: - Hon'ble Mr. L.C. Bhadoo and Hon'ble Mr. Sunil Kumar Sinha, JJ. 30-8-2007 Mr. S.K. Guha, counsel for the appellants/claimants.. Mr. Shree Kumar Agrawal, Senior Advocate with Mr. Anand Kumar Gupta, Advocate for respondent No.3. Oral order dictated on <i>Days</i>. <u>L.C. Bhadoo, J.</u> The claimants have preferred this appeal under Section 173 of the Motor Vehicles Act, 1988, whereby they have questioned legality and correctness of the award dated 4-5-2007 passed by the Additional Motor Accidents Claims Tribunal, Katghora, in Claim Case No.40/2007 in which the Tribunal after assessing monthly income of Late Prajapati @ Dasaru to the tune of Rs.7,700/- (yearly income Rs.92,400/-) and after deducting 1/3rd of the said income as personal expenses of the deceased, assessed annual dependency at Rs.61,600/- and by applying multiplier of 15, the dependency has been assessed to the tune of Rs.9,24,000/-. In addition to that, Rs.5,000/- has been awarded as funeral expenses, Rs.5,000/- loss of estate, Rs.5,000/- loss of consortium & Rs.10,000/- for love & affection, in all Rs.9,49,000/- has been awarded in favour of the appellants.		

Manager, The New India Insurance Co. Ltd, Office- T.P. Nagar, Korba, Distt. Korba (C.G.)
(Miscellaneous appeal under Section 173 of the Motor Vehicles Act, 1988)

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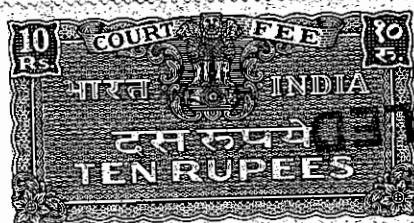
उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक M.A. (C) 735/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	The only grievance raised in this appeal by the appellants is that the Tribunal has wrongly deducted Rs.1,760-12 ps. from monthly income of the deceased which was being deducted from the salary of the deceased as contribution to LIC & staff bus, thereby monthly income of Rs.7,700/- has been wrongly assessed on lower side. We have heard learned counsel for the parties. It is admitted position that Rs.1,760-12 ps. were being deducted from monthly salary of the deceased against LIC & staff bus contribution. The said deduction made by the employer against LIC & staff bus contribution cannot be deducted from monthly income of the deceased for deciding dependency, because that deduction was being made against the LIC policy of the deceased and the staff bus used by the deceased, that amount was also an income of the deceased. As far as deduction against LIC policy is concerned, that amount was to be paid to the deceased and ultimately to the claimants on the death of the deceased. As far as deduction of staff bus is concerned, for that purpose 1/3rd amount of income of the deceased has already been deducted by the Tribunal as personal expenses of the deceased while assessing dependency, therefore, that amount cannot be deducted again, as such, this deduction was not justified. In the circumstances, monthly income of deceased Late Prajapati @ Dasaru was Rs.9,460/-, multiplying the same by 12, yearly income comes out to Rs.1,13,520/- and by applying the multiplier of 15 which has been applied by the Tribunal, the total income of the deceased comes to Rs.17,02,800/-. After deducting 1/3rd amount of the said income spent by	



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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक M.A.C. 735/ सन् २००४

आदेश पत्रक (पूर्वानुबद्ध)

का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Soma	the deceased on himself, total dependency comes to Rs.11,35,200/- this amount, after adding Rs.25,000/- awarded by the Tribunal for funeral expenses, loss of estate, loss of consortium and love & affection, the total amount of dependency comes to Rs.11,60,200/-, in place of Rs.9,49,000/-. In the result, the appeal is allowed and compensation amount of Rs.9,49,000/- awarded by the Tribunal is modified to Rs.11,60,200/- this amount the appellants shall be entitled for simple interest @ 12% per annum as awarded by the Tribunal, from the date of application. Certified copy as per rules. Sd/- L.C. Bhadoo Judge	Sd/- Sunil Kumar S Judge